

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEAH WINCEK,

Plaintiff,

Hon. Wendell A. Miles

v.

Case No. 4:06-CV-122

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

REPORT AND RECOMMENDATION

This is an action pursuant to Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), to review a final decision of the Commissioner of Social Security denying Plaintiff's claim for benefits. Pursuant to 28 U.S.C. § 636(b)(1)(B), the undersigned recommends that Plaintiff's appeal be **dismissed for failure to prosecute.**

Plaintiff - with the benefit of counsel - initiated the present action on October 4, 2006. (Dkt. #1). On January 5, 2007, the Court entered an order directing the filing of briefs. (Dkt. #8). Plaintiff was directed to submit a brief in support of her appeal no later than February 5, 2007. By March 9, 2007, Plaintiff had yet to file a brief in support of her appeal. The Court, therefore, ordered Plaintiff to "show cause why her appeal should not be dismissed for failure to prosecute." Plaintiff was directed to respond to the Court's Order no later than March 16, 2007. Plaintiff was further warned that "[f]ailure to timely respond may result in the dismissal of Plaintiff's action." Plaintiff has neither filed a brief in support of her appeal nor complied with the Court's Order to Show Cause.

CONCLUSION

Accordingly, the undersigned recommends that Plaintiff's appeal be **dismissed for failure to prosecute**.

OBJECTIONS to this report and recommendation must be filed with the Clerk of Court within ten (10) days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Date: March 26, 2007

/s/ Ellen S. Carmody

ELLEN S. CARMODY
United States Magistrate Judge